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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,443	01/23/2004	Dale Russell	CML01050H	6811
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MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER LE, DEBBIE M	
			ART UNIT 2168	PAPER NUMBER
			NOTIFICATION DATE 07/27/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/763,443

Applicant(s)

RUSSELL ET AL.

Examiner

DEBBIE M. LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's arguments filed on May 4, 2007. Claims 1-20 are pending for examination.

### ***Claim Objections***

Claim 9 recites the word "the translation table" is objected to because of the following informalities: there is insufficient antecedent basis for this limitation in the claim.

Claims 9 and 17 are objected because claims should not recite preference number, that is 307.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim recites "an apparatus", "a system", however, there is no hardware component recited in claim in order to enable the function to be realized. Thus, at best, the claim is considered as software per se. Thus,

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software per se claim is not one of the four categories of invention and therefore claims 9-20 are not statutory.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 non-statutory above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four categories of invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saldanha et al (US Patent 6,714,939 B2) in view of Davis et al (6,829,759 B1).

As per claim 1, Saldanha discloses [a] method for generating a translation table, the method comprising the steps of:

accessing a domain model (Fig. 11, # 1110, col. 10, lines 52-60, natural markup language model);

accessing a specialized computer language specification (Fig. 11, # 1140, col. 10, lines 62-67, as content engine 1120 of figure 11 accesses a domain markup language 1140);

associating elements from the domain model to functions and arguments of the specialized computer language specification (col. 7, lines 41-44, as natural markup language query is converted into domain markup language query that correspond to the objects of the natural markup language and their attributes).

Saldanha does not explicitly teach creating the translation table based on the association on the associations between the domain model and functions and arguments of the specialized computer language. However, Davis teaches creating translation table (col. 22, lines 6-27). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to combine the teachings of the cited references to implement the step of creating the translation table as disclosed by Davis because it would provide users (i.e., programmers) without the need to rewrite the entire program starting from scratch since the generation of a translation table is not done manually.

As per claim 2, Saldanha teaches wherein the step of accessing the domain model comprises the step of accessing a set of commands, objects, and attributes utilized for the particular domain (Fig. 11, # 1130).

As per claim 3, Saldanha teaches wherein the step of accessing the specialized computer language (SCL) specification comprises the step of accessing a knowledge base comprising possible SCL functions and how SCL functions handle arguments (Fig. 11, # 1140).

As per claim 4, Saldanha teaches wherein the step of associating elements from the domain model to functions and arguments of the SCL specification comprises the

step of iterating through commands, objects, and attributes for the domain model, and associating each command, object, and attribute with an SCL function and/or argument (Fig. 11, # 1130 and 1140).

As per claim 5, Davis teaches presenting the associated elements for validation (Fig. 20, # 834) and/or inclusion into the translation table (Fig. 20, # 838); and renaming domain entities to ensure correspondence with SCL entities (col. 22, lines 15-20).

As per claim 6, Saldanha teaches wherein: the step of accessing the domain model comprises the step of accessing a set of commands, objects, and attributes utilized for the particular domain (Fig. 11, # 1130 and # 1110); and the step of accessing the specialized computer language (SCL) specification comprises the step of accessing a knowledge base comprising possible SCL functions and how SCL functions handle arguments (Fig. 11, # 1140).

As per claim 7, Saldanha teaches wherein the step of associating elements from the domain model to functions and arguments of the SCL specification comprises the step of iterating through commands, objects, and attributes for the domain model, and associating each command, object, and attribute with an SCL function and/or argument (Fig. 11, # 1140).

As per claim 8, Saldanha teaches the step of: presenting the associated elements for validation (Fig. 20, # 834) and/or inclusion into the translation table (Fig. 20, # 838).

As per claim 9, Saldanha discloses an apparatus comprising:

A table generator (307) for accessing domain model, accessing a specialized computer language specification, associating elements from the domain model to functions and arguments of the specialized computer language specification, and creating the translation table based on the associations between the domain model and functions and arguments of the specialized computer language.

As per claim 17, Saldanha discloses a spoken language dialog system comprising:

A domain model;

A specialized computer language (SCL) specification; and

A table generator (307) accessing the domain model and the SCL specification, and outputting a translation based on the domain model and the SCL specification.

Claims 10-16, 18-20 have similar limitations as claim 2-8, therefore, they are rejected under the same subject matter.

### ***Response to Arguments***

Applicant's arguments filed May 4, 2007 have been fully considered but they are not persuasive.

First, Applicant stated that "table generator (307) or (303)" is a hardware component that performs the claimed functionalities. However, after reviewing the applicant's specification, the examiner could not find any evidence that to believe the table generator 307 is a hardware component or a "means plus function" language.

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Even though applicant amended claims to include the "table generator 307" language, but the table generator 307 is still a software per se. Having the claims claim "means for" or making a statement in the remarks to said that table generator 307 or 303 is a specific hardware component, but the specification fails to support what it claimed. Therefore, the rejection to 35 U.S.C. 101 for claims 9-20 directs to non-statutory subject matter is maintained.

Second, Applicant argues that Saldanha and Davis references fail to teach or suggest creating a translation table based on the association between the domain model and functions and argument of the specialized computer language because examiner merely states that Davis teaches creating a translation table, but examiner never states that the creation of the translation table is based on the association between the domain model and functions and argument of the specialized computer language.

With regard to Applicant's arguments, the examiner respectfully disagrees. It is noted that Saldanha teaches the steps of associating between the domain model and functions and arguments of the specialized computer language. However, Saldanha does not explicitly teach creating a translation table for the association between the domain model and functions and arguments of the specialized computer language. In other words, the association between the domain model and functions and arguments of the specialized computer language needed to save as [a] translation table. Therefore, the examiner relies upon Davis's teaching how translation table is created between the



association of source file and translation file. Since Saldanha's reference is directed to a method for using mapper to create structured data (i.e., program structure) from unstructured text (i.e., natural language), and the Davis's reference is directed to a method for using translation file to translate source file (i.e., assembly language used on the old DSP chip) to a new assembly language for new DSP. Both the two references are concerned with the solution to the problem of re-writing program language, there is an implicit to an ordinary skilled artisan, during his/her quest for a solution to the cited problem, would utilize the translation table as taught by Davis to modify Saldanha's teachings because it would provide users (i.e., programmers) of Saldanha's system without the need to rewrite the entire program starting from scratch since the generation of a translation table is not done manually.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Debbie M. Le*

DEBBIE LE  
PRIMARY EXAMINER

7/19/07